

SENATE BILL No. 468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-6-10.

Synopsis: Merchant's collection allowance. Reduces the retail merchant's collection allowance in current law by 50%.

Effective: January 1, 2010.

Mrvan

January 14, 2009, read first time and referred to Committee on Tax and Fiscal Policy.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 468

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-2.5-6-10, AS AMENDED BY P.L.146-2008,
2 SECTION 313, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2010]: Sec. 10. (a) In order to compensate
4 retail merchants for collecting and timely remitting the state gross retail
5 tax and the state use tax, every retail merchant, except a retail merchant
6 referred to in subsection (c), is entitled to deduct and retain from the
7 amount of those taxes otherwise required to be remitted under
8 IC 6-2.5-7-5 or under this chapter, if timely remitted, a retail merchant's
9 collection allowance.
10 (b) The allowance equals a percentage of the retail merchant's state
11 gross retail and use tax liability accrued during a calendar year,
12 specified as follows:
13 (1) ~~Seventy-three~~ **Thirty-seven** hundredths percent (~~0.73%~~;
14 **(0.37%)**), if the retail merchant's state gross retail and use tax
15 liability accrued during the state fiscal year ending on June 30 of
16 the immediately preceding calendar year did not exceed sixty
17 thousand dollars (\$60,000).



(2) ~~Fifty-three~~ **Twenty-seven** hundredths percent ~~(0.53%)~~,
(**0.27%**), if the retail merchant's state gross retail and use tax
liability accrued during the state fiscal year ending on June 30 of
the immediately preceding calendar year:

(A) was greater than sixty thousand dollars (\$60,000); and

(B) did not exceed six hundred thousand dollars (\$600,000).

(3) ~~Twenty-six~~ **Thirteen** hundredths percent ~~(0.26%)~~, (**0.13%**),
if the retail merchant's state gross retail and use tax liability
accrued during the state fiscal year ending on June 30 of the
immediately preceding calendar year was greater than six hundred
thousand dollars (\$600,000).

(c) A retail merchant described in IC 6-2.5-4-5 or IC 6-2.5-4-6 is not
entitled to the allowance provided by this section.

SECTION 2. [EFFECTIVE JANUARY 1, 2010] (a) **IC 6-2.5-6-10,**
as amended by this act, applies to reporting periods beginning after
December 31, 2009.

(b) For purposes of **IC 6-2.5-6-10**, as amended by this act, all
transactions, except the furnishing of public utility, telephone or
related services, cable television or similar video and related
services, cable radio, satellite television, or satellite radio services
and related commodities by retail merchants described in
IC 6-2.5-4-5, IC 6-2.5-4-6, and IC 6-2.5-4-11, shall be considered as
having occurred after December 31, 2009, to the extent that
delivery of the property or services constituting selling at retail is
made after that date to the purchaser or to the place of delivery
designated by the purchaser. However, a transaction shall be
considered as having occurred before January 1, 2010, to the
extent that the agreement of the parties to the transaction is
entered into before January 1, 2010, and payment for the property
or services furnished in the transaction is made before January 1,
2010, notwithstanding the delivery of the property or services after
December 31, 2009.

(c) With respect to a transaction constituting the furnishing of
public utility, telephone or related services, cable television or
similar video and related services, cable radio, satellite television,
or satellite radio services and related commodities, only
transactions for which the charges are collected upon original
statements and billings dated after January 31, 2010, shall be
considered as having occurred after December 31, 2009.

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